

REMARKS

In the Office Action, claims 18-22, 25-29 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Staples, U.S. Patent Application Publication 2007/0124020 ("Staples"). Claim 23 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Staples in view of Olsen III et al., U.S. Patent Publication 2006/0015233 ("Olsen"). Claim 24 and 30-36 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Staples in view of Freeman et al., U.S. Patent No. 7,088,387 ("Freeman").

Applicants respectfully submit that Staples is not prior art. Staples was filed on November 15, 2006, claiming priority to a provisional application filed one year earlier on November 16, 2005. Therefore, Staples has an earliest possible effective prior art date of November 16, 2005 (under 35 U.S.C. § 102 (e)). The present application has an international filing date of December 7, 2004. Therefore, Staples is not prior art to the present application, and applicants respectfully request withdrawal of the rejection to claims 18-22 and 25-29 under 35 U.S.C. § 102 (e) and of the rejections to claims 23, 24, and 30-36 under 35 U.S.C. § 103 (a).

Applicants further note that, because the earliest possible prior art date of Olsen III is July 14, 2004, and Applicant's foreign priority date is December 10, 2003, this reference could also be removed by perfecting Applicant's claim to priority.

Application No. 10/596,392
Amendment dated July 10, 2009
Reply to Office Action of April 28, 2009

Docket No.: 20831/0204936-US0

In view of the above remarks, applicant believes the pending application is in condition for allowance.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

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Respectfully submitted,

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